

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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ISRAEL BERGER & ASSOCIATES, LLC, :

Plaintiff, :

- against - :

MARK BAKER and IBA CONSULTING AND  
ENGINEERING, PLLC, :

Defendants. :

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07 Civ. 5648 (RMB)

**ORDER**

Upon the record and prior proceedings herein, including Plaintiff's filing of its Amended Complaint, dated June 15, 2007, pursuant to Federal Rule of Civil Procedure 15(a), which eliminates Plaintiff's claim under the Lanham Act, 15 U.S.C. § 1125(a), (the original federal cause of action in the case), and the conference and oral argument held today (see Transcript, dated June 26, 2007), this Court remands this case to New York State Supreme Court, New York County. See Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343, 357 (1988); see also Spehar v. Fuchs, No. 02 Civ. 9352, 2003 WL 23353308, at \*11 (S.D.N.Y. June 18, 2003) (McMahon, J.).

**ORDER**

The Clerk of the Court is respectfully requested forthwith to remand this action to New York State Supreme Court, New York County.

Dated: New York, New York  
June 26, 2007

*RMB*

RICHARD M. BERMAN, U.S.D.J.

